

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARK ANTHONY BECK,)
Petitioner,)
vs.) Civil Action No. 07-1459
) Chief District Judge Donetta W. Ambrose
)
SUPERINTENDENT VINCENT; THE DISTRICT)
ATTORNEY OF THE COUNTY OF FAYETTE;)
and THE ATTORNEY GENERAL OF)
COMMONWEALTH OF PENNSYLVANIA,)
Respondents.

MEMORANDUM ORDER

On October 26, 2007, the United States District Court for the Eastern District of Pennsylvania transferred the above captioned case to this Court and it was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (doc. no. 4) filed on November 8, 2007, recommended that the Petition for Writ of Habeas Corpus be dismissed as a successive 2254 petition and that a certificate of appealability be denied. The Petitioner was served with the Report and Recommendation and was advised he was allowed ten (10) days from the date of service to file written objections to the Report and Recommendation. No objections have been filed.

After *de novo* review of the pleadings, together with the Report and Recommendation, the following order is entered:

AND NOW, this 18th day of December, 2007;

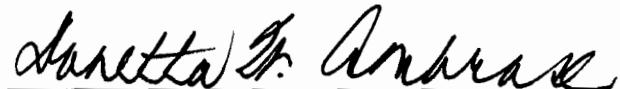
IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is **DISMISSED** as a successive 2254 petition for which the Petitioner has not demonstrated the necessary certification from the Court of Appeals for the Third Circuit as required under 28 U.S.C. § 2244(b)(3).

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no.4) of Magistrate Judge Lenihan, dated November 8, 2007, is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.


Donetta W. Ambrose
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

Mark Anthony Beck, AJ-0329
SCI Somerset
5706 Glades Pike
Box 631
Somerset, PA 15501-0631